

DATE OF DEPOSIT August 1, 2006

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451. Rose Sullivan
Rose Sullivan

[illegible]

Opposition No.

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

including the sale and promotion of gasoline, motor oil, and other petroleum products, chemical products, and various other products and services.

2. EXXON stations are among the most widespread and recognizable gasoline stations in the United States. There are thousands of EXXON branded retail gasoline stations in the United States. Over the years, ExxonMobil has invested great effort and resources promoting and advertising its EXXON stations.

3. Since at least 1971, ExxonMobil has presented its mark EXXON in a stylized format that includes a distinctive Interlocking X Device ("IXD"), such as in the famous EXXON Emblem shown immediately below.



4. ExxonMobil has also for many years used the IXD as mark standing alone, as shown below, to promote its sale of motor fuels and other products and services.



5. In 1999 Exxon Corporation, in connection with its acquisition of Mobil Corporation and its subsidiaries, adopted the corporate and trade name Exxon Mobil Corporation and the mark EXXONMOBIL, both of which incorporate the mark EXXON. ExxonMobil has come to sell a number of its products, including its various chemical products, in commerce under the mark EXXONMOBIL, and uses that mark in both plain text and in a stylized format that incorporates the IXD, as shown immediately below.

ExxonMobil™

6. ExxonMobil's marks EXXON, EXXONMOBIL, and the IXD (hereinafter collectively identified as the "EXXON Marks") constitute a family of marks, and relevant consumers recognize and rely upon ExxonMobil's family of EXXON Marks as an indicator of origin.

7. As shown in the examples above, ExxonMobil often presents its EXXON Marks using the color red.

8. Many of the EXXON branded gasoline stations in the United States include a convenience store. At these stations, the EXXON Marks are often presented in a red and white color combination.

9. In addition to its extensive common-law rights, ExxonMobil owns numerous federal trademark registrations for its EXXON Marks, including U.S. Reg. No. 902,044 for the mark EXXON, U.S. Reg. No. 968,512 for the mark EXXON & Design (the EXXON Emblem), U.S. Reg. No. 2,305,494 for its mark IXD, and U.S. Reg. No. 2,791,743 for the mark EXXONMOBIL (Stylized). ExxonMobil also owns U.S. Reg. No. 1471065 for the mark EXXON and U.S. Reg. No. 1470218 for the mark EXXON SHOP, both for "retail convenience store services." Each of the registrations listed in this paragraph is valid and subsisting, and some are now incontestable. Copies of pages from the Trademark Electronic Service System (TESS) for these registrations are attached hereto as Exhibit A.

10. ExxonMobil's EXXON Marks are inherently distinctive, serving to identify and indicate the source of ExxonMobil's products and services to the consuming public, and to distinguish ExxonMobil's products and services from those of others.

11. Additionally, as a result of ExxonMobil's extensive use and promotion of its EXXON Marks, they have become distinctive to designate ExxonMobil, and are well-known and widely recognized by consumers throughout the United States. ExxonMobil has invested millions of dollars in advertising and promoting its EXXON Marks and the goods and services sold under those marks, and has developed great and valuable goodwill in its EXXON Marks.

12. The EXXON Marks are famous and consumers have come to associate those marks uniquely with ExxonMobil and its goods and services.

13. Applicant is a Mexico corporation with a business address Edison 1235 Nte. Col Talleres Monterrey, Nuevo Leon MEXICO 64480. Applicant filed Application Serial No. 78607192 on April 12, 2005, for the mark OXXO, and that application covers "retail convenience stores" in International Class 35.

14. ExxonMobil has priority based on its prior use and registration of its EXXON Marks in the United States. Applicant has filed an intent-to-use application, and cannot obtain a priority date through international treaties that predates ExxonMobil's use and registration of its EXXON Marks.

15. ExxonMobil's EXXON Marks became famous before Applicant's priority date.

16. On information and belief, Applicant has not yet used the mark OXXO in the United States or otherwise in United States commerce.

17. Applicant's services intended to be offered under the mark OXXO are related to the goods and services ExxonMobil offers under its EXXON Marks. The planned OXXO branded convenience stores would be directly competitive with convenience stores at EXXON stations.

18. Applicant currently uses the mark OXXO in connection with convenience store services outside the United States. Applicant presents its OXXO mark in a design form in which portions of the two X's are extended, similar to ExxonMobil's IXD, and in a red and white color scheme. A page from Applicant's website at www.tiendasoxxo.com.mx/oxxo/Home.jsp showing these characteristics is attached as Exhibit B.

19. ExxonMobil has not given Applicant permission or approval to use or register the mark OXXO.

20. Applicant's mark OXXO so resembles ExxonMobil's EXXON Marks, individually and collectively, as to be likely, when used on or in connection with the identified services of Applicant, to cause confusion, or to cause mistake, or to deceive. Registration therefore should be refused under 15 U.S.C. § 1052(d).

21. Applicant's mark OXXO, when used on or in connection with the services specified in the application herein opposed, would cause dilution of the distinctive quality of ExxonMobil's EXXON Marks, individually and collectively, under 15 U.S.C. § 1125(c), and registration also should be refused on that basis.

22. Registration of Applicant's mark OXXO on the Principal Register would be inconsistent with ExxonMobil's rights under the aforementioned registrations and common law and would be damaging to ExxonMobil.

WHEREFORE, ExxonMobil prays that Application Serial No. 78607192 be rejected, and that registration of the mark therein be refused.

A duplicate copy of this Notice of Opposition is being filed herewith, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber LLP, Account No. 503924/EXCO:170/SPM, if the check is insufficient or if the check is inadvertently omitted or misplaced. Please return the enclosed postcard to evidence receipt of this Notice of Opposition.

Respectfully submitted,

Date: August 1, 2006



Louis T. Pirkey
William G. Barber
Stephen P. Meleen
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Austin, Texas 78701
(512) 322-5201

ATTORNEYS FOR OPPOSER

EXHIBIT A

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Word Mark EXXON
Goods and Services IC 004. US 015. G & S: PETROLEUM AND PETROLEUM PRODUCTS-NAMELY, INDUSTRIAL OILS AND GREASES, PETROLEUM AND MINERAL WAXES, LUBRICANTS, HYDROCARBON FUELS, PETROLEUM ILLUMINANTS AND CRUDE OIL. FIRST USE: 19671205. FIRST USE IN COMMERCE: 19671205

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 72296761

Filing Date April 29, 1968

Current Filing Basis 1A

Original Filing Basis 1A

Registration Number 0902044

Registration Date November 10, 1970

Owner (REGISTRANT) STANDARD OIL COMPANY CORPORATION NEW JERSEY 117 MAIN ST. FLEMINGTON NEW JERSEY 08822

(LAST LISTED OWNER) EXXON MOBIL CORPORATION CORPORATION BY CHANGE OF NAME NEW JERSEY 5959 LAS COLINAS BOULEVARD IRVING TEXAS 750392298

Assignment Recorded ASSIGNMENT RECORDED

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010726.

Renewal 2ND RENEWAL 20010726

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| | |
|------------------------------|---|
| Word Mark | EXXON |
| Goods and Services | IC 004. US 015. G & S: PETROLEUM AND PETROLEUM PRODUCTS-NAMELY, INDUSTRIAL OILS AND GREASES, PETROLEUM AND [MINERAL WAXES], LUBRICANTS, HYDROCARBON FUELS, PETROLEUM ILLUMINANTS AND [CRUDE OIL]. FIRST USE: 19711004. FIRST USE IN COMMERCE: 19711004 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.11.12 - Rectangles with bars, bands and lines 26.11.21 - Rectangles that are completely or partially shaded |
| Serial Number | 72407854 |
| Filing Date | November 16, 1971 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Registration Number | 0968512 |
| Registration Date | September 18, 1973 |
| Owner | (REGISTRANT) EXXON CORPORATION CORPORATION NEW JERSEY 5959 Las Colinas Boulevard Irving TEXAS 750392298 (LAST LISTED OWNER) EXXON MOBIL CORPORATION CORPORATION NEW JERSEY 5959 LAS COLINAS BOULEVARD IRVING TEXAS 750392298 |
| Assignment Recorded | ASSIGNMENT RECORDED |

Attorney of Record ROBERT D. RIPPE, JR.
Prior Registrations 0902044;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040221.
Renewal 2ND RENEWAL 20040221
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| | |
|--------------------------|---|
| Word Mark | XX |
| Goods and Services | IC 004. US 001 006 015. G & S: GASOLINE. FIRST USE: 19870619. FIRST USE IN COMMERCE: 19870619 |
| Mark Drawing Code | (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM |
| Design Search Code | |
| Serial Number | 75474257 |
| Filing Date | April 24, 1998 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | October 12, 1999 |
| Registration Number | 2305494 |
| Registration Date | January 4, 2000 |
| Owner | (REGISTRANT) Exxon Corporation CORPORATION NEW JERSEY 5959 Las Colinas Boulevard Irving TEXAS 750392298 (LAST LISTED OWNER) Exxon Mobil Corporation CORPORATION NEW JERSEY 5959 Las Colinas Boulevard Irving TEXAS 750392298 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Prior Registrations | 1384919;1412809;2149419 |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |

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ExxonMobil

**Word Mark
Goods and
Services****EXXONMOBIL**

IC 017. US 001 005 012 013 035 050. G & S: polyolefin films made from polyethylene and polypropylene polymer or derivatives for use in the packaging industry; polyolefin in bars, blocks pellets, rods, sheets and tubes for use in the manufacture of packages and labels; synthetic rubber and rubber substitutes for use in the industrial arts, for use in the manufacture of tires, tubes, vehicle body sealing; belts, hoses, seals, glass run channels, mechanical goods, electrical cable jacketing, roof sheeting, garden hoses, materials for sound deadening, adhesives, bumpers, dashboard parts, computer housing, electronic components, ski boots, was blends, chewing gum base and in engineering thermoplastics. FIRST USE: 20000630. FIRST USE IN COMMERCE: 20000630

IC 016. US 002 005 022 023 029 037 038 050. G & S: periodical publications, namely, reports, booklets, brochures, pamphlets and newsletters and all kinds of printed matters concerning items of interest about products, services, events and personnel of applicant and about the chemical and petroleum industry; company stationery, business cards and posters. FIRST USE: 19991200. FIRST USE IN COMMERCE: 19991200

IC 004. US 001 006 015. G & S: aviation fuels, lubricating oils for marine, applications. FIRST USE: 20020000. FIRST USE IN COMMERCE: 20020000

IC 001. US 001 005 006 010 026 046. G & S: olefins, aromatic hydrocarbons, and solvents for use with paints, lacquers and similar products, for manufacture of inks and toners, for use in non-impact printing applications and for use in the industrial arts; solvents used as a component in adhesives, pharmaceuticals, fragrances, metal working fluids, pesticides, sealants, lubricants; polymers for use in the manufacture of adhesives and in the plastic industry; hydrocarbon polymers, namely resins, plastomers and elastomers in solid, semi-solid, liquid and powdered form for general use in the industrial arts in lieu of or in combination with natural or synthetic rubber and rubber-like materials. FIRST USE: 20000630. FIRST USE IN COMMERCE: 20000630

Mark Drawing (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Code**Design****Search Code****Serial Number** 75983349**Filing Date** November 29, 1999**Current Filing
Basis** 1A**Original Filing
Basis** 1B**Published for
Opposition** October 1, 2002**Registration
Number** 2791743**Registration
Date** December 9, 2003**Owner** (REGISTRANT) Exxon Corporation CORPORATION NEW JERSEY 5959 Las Colinas Boulevard
Irving TEXAS 750392298**Attorney of
Record** Melody L. Schottle**Prior
Registrations** 0337002;0363312;0884420;0902044;AND OTHERS**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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| | |
|---------------------------------|---|
| Word Mark | EXXON CHEMICAL |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: computer program for calculating and comparing compound costs for polyvinyl chloride formulations. FIRST USE: 19891231. FIRST USE IN COMMERCE: 19891231 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters |
| Serial Number | 74683280 |
| Filing Date | May 31, 1995 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | January 30, 1996 |
| Registration Number | 1970069 |
| Registration Date | April 23, 1996 |
| Owner | (REGISTRANT) EXXON CORPORATION CORPORATION NEW JERSEY 225 E. John W. Carpenter Freeway Irving TEXAS 750622298 (LAST LISTED OWNER) EXXON MOBIL CORPORATION CORPORATION BY CHANGE OF NAME NEW JERSEY 5959 LAS COLINAS BLD IRVING TEXAS 75039-229 |
| Assignment Recorded | ASSIGNMENT RECORDED |

Attorney of Record MELODY L. SCHOTTLE
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHEMICAL" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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| | |
|--------------------------|---|
| Word Mark | EXXON |
| Goods and Services | IC 042. US 101. G & S: RETAIL CONVENIENCE STORE SERVICES. FIRST USE: 19840501. FIRST USE IN COMMERCE: 19840501 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Design Search Code | |
| Serial Number | 73659159 |
| Filing Date | May 5, 1987 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | October 6, 1987 |
| Registration Number | 1471065 |
| Registration Date | December 29, 1987 |
| Owner | (REGISTRANT) EXXON CORPORATION CORPORATION NEW JERSEY 1251 AVENUE OF THE AMERICAS NEW YORK NEW YORK 10020 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | ROBERT D. RIPPE, JR. |
| Type of Mark | SERVICE MARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
| Live/Dead Indicator | LIVE |

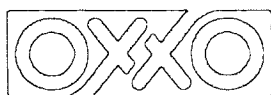
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| | |
|--------------------------|---|
| Word Mark | EXXON SHOP |
| Goods and Services | IC 042. US 101. G & S: RETAIL CONVENIENCE STORE SERVICES. FIRST USE: 19840501. FIRST USE IN COMMERCE: 19840501 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Design Search Code | |
| Serial Number | 73659160 |
| Filing Date | May 5, 1987 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | September 29, 1987 |
| Registration Number | 1470218 |
| Registration Date | December 22, 1987 |
| Owner | (REGISTRANT) EXXON CORPORATION CORPORATION NEW JERSEY 225 EAST JOHN W. CARPENTER FREEWAY IRVING TEXAS 750622298 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | ROBERT D. RIPPE, JR. |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SHOP" APART FROM THE MARK AS SHOWN |
| Type of Mark | SERVICE MARK |
| Register | PRINCIPAL |
| Affidavit Text | SECT 15. SECT 8 (6-YR). |
| Live/Dead Indicator | LIVE |

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EXHIBIT B



6321(1) 2-2 8 3 3 3 3 3 3

$$D_{\text{max}} = 1.5 \times 10^{-4} \text{ cm}^2 \text{ s}^{-1}$$

4. (1) $\log(1-x) = -\sum_{n=1}^{\infty} \frac{x^n}{n}$, $\log(1+x) = \sum_{n=1}^{\infty} \frac{(-1)^{n+1} x^n}{n}$, $\log(1-x^2) = -\sum_{n=1}^{\infty} \frac{x^{2n}}{n}$.

800-762-1020

$$f(x) = \frac{1}{2} (x^2 + 1) \ln(x^2 + 1) - \frac{1}{2} x^2$$

Bienvenido a OXXO

OXXO Escucha 01 800 288 6996

..... ក្រុម

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- ☐ Contáctanos



PROGRAMA DE RESPONSABILIDAD OXXO

PROGRAMA DE RESPONSABILIDAD OXXO

En OXXO buscamos generar posibilidades de trabajo y realización a quienes, por condiciones especiales, se les dificulta ser empleados en otras empresas así como también ayudar a distintas asociaciones no lucrativas por medio de nuestro Programa de Responsabilidad OXXO (PRO).

Mas información...



TECNO
SOCIA



Nos gusta estar cerca de los clientes. En OXXO procuramos entender sus necesidades diarias y habituales y las atendemos con productos y servicios de manera práctica...

Mas información...

Solo

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